

EXHIBIT 18

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS LULAC, et. al.;

Plaintiffs,

v.

GREG ABBOTT, et. al.;

Defendants.

Civil Action
Case No. 20-cv-01006-RP

**DECLARATION OF TOM BERG
(Pursuant to 28 U.S.C. § 1746)**

I, Tom Berg, am over the age of 18 and fully competent to make the following declaration. The facts in this declaration are based on my personal knowledge. If called upon as a witness, I would testify to these facts. Under penalty of perjury, I declare and state the following:

1. I am 68 years old and a resident of Harris County, Texas. I am a retired Colonel with the United States Army Reserve, where I served in the JAG Corps until 2012. I have been a licensed attorney in Texas since 1978. I am an active member of the League of Women Voters of Houston, having just come off their board of directors in May after almost ten years in leadership positions. That makes me an active member of the state League as well. I have been an active voter my entire adult life and am committed to voting in this election. I vote in every opportunity that I have, including voting by mail ballot while I was deployed overseas in such locations as Bosnia, Cuba, Iraq and Afghanistan.

2. This is the first year that I plan to vote-by-mail while living here in Texas. Normally, I vote in person during the early voting period, usually on the first day of early voting. But because of the ongoing pandemic, I do not wish to vote in person this year if I can avoid it. In addition to my age placing me in a high-risk category, I have medical conditions that make me especially

vulnerable to COVID-19. Earlier this year I, was sick with a high fever for about two weeks and quarantined for two weeks at the recommendation of my doctor. Although I later tested negative, my doctor and I believe based on my symptoms that I had COVID-19. As such, I am particularly concerned about re-exposure to the virus given recent reports that previous exposure or the existence of antibodies may not protect people from being re-infected. I do not wish to risk getting sick again.

3. In addition, the ballot in Harris County is very long, and it takes a good while to work through all of the races and make my selections. As such, voting by mail in this election will ensure that I have the time to review all of my choices and make an informed decision, without feeling rushed, like I would be if I voted in-person and knew others were waiting on me to vote. I believe I am entitled to take advantage of this opportunity, as is my right under Texas law.

4. I requested my mail-in ballot for the general election earlier this year. According to the Harris County “Harris Votes” website, my ballot request was accepted on September 16, 2020. I have not yet received my ballot. I do not know when I can expect to receive my ballot.

5. I am concerned about returning my ballot by mail because I worry it will not arrive in time to be counted. My confidence in the Postal Service has been shaken this year, because of the apparent politicization of the USPS, which I have experienced first-hand. As part of my work as a League volunteer during this election cycle, I “adopted” a local post office to stock with voter registration cards and delivered the cards to that office. The post-mistress agreed to make them available when people asked but would not display them or publish that they were available. My understanding was that the national management at the Post Office did not want voter registration cards to be available at local offices. We had to work with our local Congressional representatives to overturn this policy and ensure that voter registration cards would be freely available to voters

at our local postal service.

6. For all these reasons, I would strongly prefer to vote-by-mail and to return my ballot at a manned drop-off location here in Harris County.

7. Because of the Governor's October 1 Order, if I want to return my ballot to a drop-off location, I will have to travel to the NRG Center, which is approximately eight or nine miles from my house. It can take up to an hour round trip to get to the NRG Center and back from my home.

8. If the Governor's Order were not in effect, I would be able to drop my ballot off at the Courthouse Annex on Chimney Rock Road, which is less than fifteen minutes from my home. It would be much easier for me to drop off my ballot at this location than to travel to the NRG Center.

9. In addition, I am concerned that with only one drop-off location, there will be crowding and congestion at the drop-off site, since everyone else like me who wants to drop-off their mail-in-ballots will be forced to go to a single location. Given the ongoing pandemic, my particular vulnerabilities, and my experience being sick earlier this year, I am extremely concerned with being in crowds and risking exposure to COVID-19.

10. I prefer to be able to make the best choice for myself on how to participate in the upcoming election, including how to cast my ballot, while considering my health and other concerns.

11. I believe that the Governor's Order unnecessarily limits my options for returning my mail-in ballot and creates an unnecessary burden on my right to vote.

12. This is particularly so because I cannot think of any rationale for restricting the number of these locations in large counties, other than to make it more difficult for voters in those counties to vote. These stations would be manned by the County and have the same rigorous identification requirements as other forms of voting; the phantasmagorical risk of voter fraud is nil.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 4, 2020 at Houston, Texas.



Tom Berg